

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

Cr. No. 11-cr-131-JD

RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES

FIRST SUPERCEDING INDICTMENT

The Grand Jury Charges:

Count One

**[Aid and Abet False Statement During Firearms Purchase -
18 U.S.C. § 922(a)(6) and 2]**

On or about March 28, 2009, in the District of New Hampshire, the defendant,

RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,

in connection with the acquisition of a firearm, to wit: an HS Products, model XD40, serial number US196571, 40 caliber pistol from Pete's Gun & Tackle Shop in Hudson, NH, a federally licensed firearms dealer, did knowingly aid, abet, counsel, command, induce and procure the making of a false and fictitious written statement to such federally licensed firearms dealer, which said statement was likely to deceive such dealer as to a fact material to the lawfulness of the sale of the firearm under Chapter 44 of Title 18, in that the defendant did aid, abet, counsel, command, induce and procure the commission of the offense by Beth M. Kennedy in representing that she was the actual buyer of the firearm, when in fact, as the defendant then well knew, such statement was false.

All in violation of Title 18, United States Code, Section 922(a)(6); Section 924(a)(2); and Section 2.

The Grand Jury further Charges:

COUNT TWO

**[Possession of a Firearm in Furtherance of a Drug Trafficking Offense -
18 U.S.C. § 924(c)]**

On or about March 28, 2009, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

did knowingly possess a firearm, that is an HS Products, model XD40, serial number US196571, 40 caliber pistol, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is distribution of a controlled substance, heroin, contrary to Title 21, United States Code, 841(a)(1).

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

The Grand Jury further Charges:

Count Three

**[Aid and Abet False Statement During Firearms Purchase -
18 U.S.C. § 922(a)(6) and 2]**

On or about October 2, 2010 through October 14, 2010, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

in connection with the attempted acquisition of a firearm, to wit: a Glock, model 17, serial number PCX860, 9mm pistol from Stateline Guns, Ammo and Archery in Plaistow, NH, a federally licensed firearms dealer, did knowingly aid, abet, counsel, command, induce and procure the making of a false and fictitious written statement to such federally licensed firearms dealer, which said statement was likely to deceive such dealer as to a fact material to the lawfulness of the sale of the firearm under Chapter 44 of Title 18, in that the defendant did aid, abet, counsel, command, induce and procure the commission of the offense by Beth M. Kennedy in representing that she was the actual buyer of the firearm, when in fact, as the defendant then well knew, such statement was false.

All in violation of Title 18, United States Code, Section 922(a)(6); Section 924(a)(2); and Section 2.

The Grand Jury further Charges:

Count Four

[False Statement to an Agency of the United States - 18 U.S.C. § 1001]

On or about October 14, 2010, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

in a matter within the jurisdiction of the United States Department of Justice, an agency of the executive branch of the Government of the United States, knowingly and willfully made materially false, fictitious and fraudulent statements and representations, in connection with identifying himself to agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, to wit, the defendant identified himself by providing a name, social security number, and date of birth, which were not his own, which said statements the defendant then and there well knew were false.

All in violation of Title 18, United States Code, Section 1001 (a)(2).

The Grand Jury further Charges:

Count Five

**[FALSE REPRESENTATION OF SOCIAL SECURITY NUMBER -
42 U.S.C. §408(a)(7)(B)]**

On or about October 14, 2010, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

with intent to deceive, falsely represented to the Plaistow Police Department that a certain social security account number, xxx - xx - 9423, was assigned by the Commissioner of Social Security to him, for the purpose of misrepresenting his true identity to the Plaistow Police Department, when in fact such social security account number had not been assigned by the Commissioner of Social Security to the defendant.

All in violation of Title 42, United States Code, Section 408(a)(7)(B).

The Grand Jury further Charges:

Count Six

[FALSE CLAIM OF CITIZENSHIP - 18 U.S.C. § 911]

On or about October 14, 2010, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

did falsely and willfully represent himself to be a citizen of the United States, in that he represented to the Plaistow Police Department and agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives, that his name was Jose Robles, who at that time was a citizen of the United States, by using Robles' name, place of birth, date of birth and social security number, which said representations the defendant knew were false when made in that the defendant was not a citizen of the United States.

All in violation of Title 18, United States Code, Section 911.

The Grand Jury further Charges:

Count Seven

[Aggravated Identity Theft - 18 U.S.C. § 1028A]

On or about October 14, 2010, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth, and social security number of Jose Robles, during and in relation to a felony violation of Title 18, United States Code, Section 1001, False Statement to an Agency of the United States, and Title 42 U.S.C. Section 408(a)(7)(B), False Representation of Social Security Number, as set forth at Counts Four and Five herein.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

The Grand Jury further Charges:

Count Eight

[False Statement to an Agency of the United States - 18 U.S.C. § 1001]

On or about October 6, 2011, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

in a matter within the jurisdiction of the United States Department of Justice, an agency of the executive branch of the Government of the United States, knowingly and willfully made materially false, fictitious and fraudulent statements and representations, in connection with identifying himself to agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives and United States Marshal's Office, to wit, the defendant identified himself by providing a name, social security number, and date of birth, which were not his own and which said statements the defendant then and there well knew were false.

All in violation of Title 18, United States Code, Section 1001 (a)(2).

The Grand Jury further Charges:

Count Nine

[Aggravated Identity Theft - 18 U.S.C. § 1028A]

On or about October 6, 2011, in the District of New Hampshire, the defendant,

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

did knowingly possess and use, without lawful authority, a means of identification of another person, to wit, the name, date of birth, and social security number of Jose Robles, during and in relation to a felony violation of Title 18, United States Code, Section 1001, False Statement to an Agency of the United States, as set forth at Count Eight herein.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

NOTICE OF FORFEITURE

[Firearms and Ammunition Forfeiture Allegation --

18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c)]

1. The allegations contained in Counts 1 - 3 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924, Title 21, United States Code, Section 853(a) (2) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offense in violation of Title 18, United States Code, Section 924(c) set forth in Count 2 of this Indictment, the defendant:

**RODOLFO ARIEL AMPARO AYBAR
a/k/a/ JOSE ROBLES,**

shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), Title 21, United States Code, Section 853(a)(2) and Title 28, United States Code, Section 2461(c), any firearm and ammunition involved or used in the commission of the offenses, including, but not limited to: the firearm described in Count 2 and any ammunition seized with it.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d)(1), Title 21, United States Code, Section 853(a)(2) and Title 28, United States Code, Section 2461(c).

Date: March 7, 2012

A TRUE BILL.

/s/ Foreperson

Foreperson

JOHN P. KACAVAS
United States Attorney

/s/ Robert J. Veiga

Robert J. Veiga
Assistant U.S. Attorney